

REMARKS

In the Detailed Action dated September 12, 2007, the Examiner has raised two issues regarding the responsiveness of Applicant's June 18, 2007 reply, as well as maintained the drawing objection under 37 CFR § 1.83(a).

In regards to the Applicant's earlier response failing to include an interview summary, the Applicant respectfully traverses the Examiner's position on three grounds. First of all, the brief discussion between the Examiner and the undersigned attorney does not appear to fall within the ambit of 37 CFR § 1.133(b). This rule requires a complete written statement where "reconsideration is requested in view of an interview with an examiner." Though the Examiner has characterized the discussion as an interview, it is the Applicant's belief that the purpose of the conversation was more for clarity than for reconsideration. Therefore, the Applicant does not believe that an Interview Summary is necessary in this instance.

Second of all, even if an Interview Summary is required, the Applicant's Corrected Response to Office Action filed June 15, 2007 provided a sufficient recount of "the general thrust of the principal arguments of the applicant." MPEP § 713.04. Applicant's Corrected Response to Office Action also reiterated the Examiner's explanations and reasons for his earlier objections. Therefore, a sufficient Interview Summary has already been provided by the Applicant.

Third of all, in light of the sequence of events as described below, the Applicant contends that he was justified in assuming that no further action was necessary regarding an Interview Summary. On February 22, 2007, the Examiner and the undersigned attorney engaged in a telephonic discussion. The Examiner's Interview Summary was

then mailed February 28, 2007. The Applicant filed a Response to Office Action on March 1, 2007, which included a brief summation of the positions maintained by the Examiner and Applicant during the February 22 phone conversation. Again, Applicant contends that if an Interview Summary was needed, the summation presented at that time should have been sufficient. Then on June 5, 2007, the Examiner sent a Notice of Non-Compliant Amendment that included no record of the Applicant's Interview Summary being non-compliant.

The Examiner did not raise an issue regarding the Interview Summary until the current Detailed Action, which was over 6 months after Applicant's March 1 Response to Office Action was mailed and over 3 months after Examiner's Notice of Non-Compliant Amendment. As noted in the MPEP, "Examiners are expected to carefully review the applicant's record of the substance of the interview." MPEP § 713.04. It is respectfully submitted that the appropriate time to raising an issue regarding an insufficient Interview Summary would have been in the Examiner's first Action after Applicant's March 1 Response to Office Action. However, no such objection was raised in the Notice of Non-Compliant Amendment. Thus, the Applicant respectfully traverses Examiner's position that a further Interview Summary is necessary.

While the Applicant contends that an Interview Summary is not needed at this time, please let the following serve as such in order to more quickly move this application toward issuance. In a telephonic interview on February 22, 2007 between the Examiner and the undersigned, the undersigned sought clarity regarding the Examiner's position that the drawings did not illustrate every feature of the invention as specified in the claims. While the Examiner agreed that the Applicant could be his own lexicographer,

the Examiner maintained the position presented in his earlier Office Action. The Examiner noted that all claim elements must be described in the specification and shown in the drawings to such a degree that the scope of the claims is clear. From the telephone interview, it appeared as if the Examiner was attempting to interpret the literal language of the claims too narrowly, and he explained that it was this narrow interpretation of claim language that caused him to require more detail and specificity in the form of defining in the specification each term used in the claims. The Examiner then indicated that if the claims were given their broadest meaning, the indication of allowability would be withdrawn and additional searching conducted. Further, the Examiner reiterated that the Applicant may either amend the specification and the drawing to provide clear antecedent basis for the claimed terms, or amend the claims to use the terminology described in the specification and drawings, or omit such terminology from the claim.

The current Detailed Action also alleges that the Applicant's earlier response "fails to point out where each element indicated by the examiner to not be shown in the drawing is actually present in the drawings." Though this statement is not entirely clear as to the particular portion of the Applicant's earlier response the Examiner is referring to, Applicant believes that this issue relates to the drawing objection made under 37 CFR § 1.83(a). In response, Applicant stands behind his earlier positions as presented in the Response to Office Action filed on December 20, 2005 and Corrected Response to Office Action filed on June 15, 2007.

In the current Action, the Examiner correctly notes that 37 CFR § 1.83(a) requires that every feature specified in the claims be shown in the drawings. The Examiner then alleges that the "base subassembly," "support assembly" and "cover portion" features of

claim 1 are not shown in the drawings. Applicant respectfully submits that these features are, in fact, shown in the drawings.

Applicant contends that a person of ordinary skill in the art would readily understand the drawings to provide the claimed assemblies, subassemblies, and components given the functional relationship provided in the claim. However, for the sake of clarity and completeness, the particular components that satisfy the claimed assemblies and subassemblies are identified below. It should also be noted, though, that the components listed make up the preferred embodiment, and other component variations of the assemblies and subassemblies are contemplated.

The “base subassembly” includes components 85, 86 and 91a. The “support assembly” includes components 74 and 76. The “cover portion” includes component 80. Though the claim language does not identically match the language used in the specification, verbatim copying of specification terminology to claim terminology is not required, so long as a person of ordinary skill in the art would understand the claimed invention. It is the Applicant’s position that a person of ordinary skill in the art would consider the functional aspects of the components and would fully appreciate the invention as claimed

Though Applicant maintains his position that all features claimed are present in the drawings, independent claims 1 and 15 have been amended for added clarity. No new subject matter has been added through this amendment.

Full consideration of the above remarks is respectfully requested. The subject patent application is believed to be in condition for allowance and is requested to be passed to issue.

Respectfully submitted,

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